

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

IJPEIJ et al.

Appln. No. 10/566,839

Filed: February 7, 2007

Confirmation No. 7520

Atty. Ref.: 4662-145

T.C. / Art Unit: 1796

Examiner: C.C. Lu

**FOR: PROCESS FOR THE PREPARATION OF AN METAL-ORGANIC COMPOUND
COMPRISING AT LEAST ONE IMINE LIGAND**

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PETITION UNDER 37 CFR § 1.182 TO WITHDRAW TERMINAL DISCLAIMER

July 14, 2009

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants petition for the withdrawal of the Terminal Disclaimer filed in the above-referenced patent application on April 2, 2009. This petition is filed in accordance with the procedure set forth in M.P.E.P § 1490(V)(B).

The Official fee required under 37 CFR 1.17(f) is enclosed. Authority is given to charge any deficiency in the fee filed, or asserted to be filed, or which should have been filed herewith to our Account No. 14-1140 under Order No. 4662-145.

This application was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Application No. 10/567,098 in a Final Office Action dated January 5, 2009. Solely in an effort to expedite prosecution, Applicants submitted a terminal disclaimer over Application No. 10/567,098 to overcome the rejection on April 2, 2009.

After the April 2, 2009 terminal disclaimer was submitted, the Examiner issued a new Final Office Action on April 14, 2009 and withdrew the Final Office Action dated January 5, 2009. Furthermore, the Examiner stated that the reason for the withdrawal was that the Final Office Action dated January 5, 2009 contained an error in the number used to identify the patent application of the double patenting rejection.

Since the Final Office Action dated January 5, 2009 has been withdrawn due to the Examiner's error, there is no reason for Applicants to be bound to the terms of the April 2, 2009 terminal disclaimer. Since the Examiner's nonstatutory obviousness-type double patenting in the Final Office Action dated January 5, 2009 was incorrect, the April 2, 2009 terminal disclaimer is not required.

For the reasons stated above, Applicants respectfully request withdrawal of the April 2, 2009 terminal disclaimer.

A favorable decision on this petition is respectfully solicited.

If any further information is required, the Commissioner or his designee is invited to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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